## Schedule Of Findings

1. <u>The District Court Should Remit Department Of Wildlife Fines And Penalties To The County Treasurer For Distribution To The Proper Agencies</u>

   District courts assess and collect fines, fees, court costs, forfeitures, and penalties for a variety of court cases. These funds are initially deposited into a district court trust account, then periodically remitted to the county treasurer who distributes them to the appropriate state and local agencies.

   For the period January 1, 1991, through December 31, 1992, Wahkiakum County District Court assessed and collected $8,900.00 for illegal possession and killing of wildlife. However, rather than remit these funds to the county treasurer, district court personnel disbursed $8,710.42 directly out of the trust account based on purchase orders submitted by the state Department of Wildlife.

   This condition was also included in our 1989-90 audit report.

   RCW 3.62.020 states:

   > . . . all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts . . . shall be remitted by the clerk of the district court to the county treasurer at least monthly . . . .

   RCW 77.21.070 states:

   > (1) Whenever a person is convicted of illegal killing or possession of wildlife . . . the convicting court shall order the person to reimburse the state . . . .

   District Court Judge William Faubion gave his reason for retaining the funds locally as an attempt to improve the area's wildlife enforcement, which he described as inadequate. By remitting these funds to the state, he felt that funds needed to improve this effort would not be provided.

   However, by holding these funds and paying them directly to the Department of Wildlife, district court has assumed the authority of the state to determine how they are expended.

   <u>We again recommend</u> the district court remit all fines, penalties, and other fees related to wildlife enforcement to the county treasurer, as required by RCW 3.62.020.